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| 09/973,798      | 10/11/2001  | Kenji Tagawa         | 2001-1544A          | 7230             |

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WASHINGTON, DC 20006-1021

EXAMINER

PHAN, JOSEPH T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2645

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,798

Applicant(s)

TAGAWA ET AL.

Examiner

Joseph T Phan

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17,23-28,34 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17,23-28,34 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 5-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 17, 23-28, 34, and 37 rejected under 35 U.S.C. 102(e) as being anticipated by Anvekar et al., Publication No. US 2002/00686610.**

Regarding claim 17, Anvekar teaches a mobile phone with music reproduction function, said mobile phone comprising:  
a reproduction unit operable to reproduce music data which is recorded in a recording medium(*Fig.4, page 2 paragraph [0015] and paragraph [0018]; mobile phone comprises of headset and music player/recording medium wirelessly connected*);  
a stop unit operable to temporarily stop reproduction by said reproduction unit  
and a resume method storage unit operable to store information indicating at least one reproduction resume method (page 2 paragraph [0019]); and  
a control unit operable to select one of the at least one reproduction resume method stored in said resume method storage unit, specify a reproduction start position of the music data based on the selected reproduction resume method,

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and instruct said reproduction unit to reproduce the music data from the specified reproduction start position, after reproduction is stopped by said stop unit and a conversation finishes(510-530 Fig.5 and page 2 paragraph [0019]; user specifies starting/resume at the beginning).

Regarding claim 23, Anvekar teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to reproduce the music data from a beginning of the music data which was being reproduced just before being stopped(510-530 Fig.5 and page 2 paragraph [0019]).

Regarding claim 24, Anvekar teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to reproduce the music data from a point at which the reproduction of the music data was stopped(510-530 Fig.5 and page 2 paragraph [0019]).

Regarding claim 25, Anvekar teaches the mobile phone according to Claim 17, wherein one of the at least one reproduction resume method is a method to jump back to the music data for a specified time from a point at which the reproduction of the music data was stopped and to restart the reproduction of the music data at the point(510-530 Fig.5 and page 2 paragraph [0019]).

Regarding claim 26, Anvekar teaches the mobile phone according to Claim 17, wherein said resume method storage unit includes a resume position information storage unit operable to store per the music data, resume position information indicating at least one break point of music, and one of the at least one reproduction resume method is a method to reproduce the music data from

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the at least one break point indicated by the resume position information just before a point at which the reproduction of the music data was stopped(510-530 Fig.5 and page 2 paragraph [0019]).

Regarding claim 27, Anvekar teaches the mobile phone according to Claim 17 further comprising: a reproduction resume method memory unit operable to memorize the reproduction resume method designated by a user, wherein the control unit instructs the reproduction unit to reproduce music data based on the designated reproduction resume method(510-530 Fig.5 and page 2 paragraph [0019]).

Regarding claim 28, Anvekar teaches the mobile phone according to Claim 17 further comprising: an incoming call detection unit operable to detect an incoming call from outside, wherein the stop unit instructs the reproduction unit to stop reproduction of music data when an incoming call is detected by the incoming call detection unit(540 Fig.5).

Regarding claims 34 and 37, Anvekar teaches a music data reproduction method by a mobile phone and a program embodied on a medium with a music reproduction function for storing information indicating at least one reproduction resume method in a memory in advance, said music data reproduction method comprising:

reproducing music data recorded in a recording medium(530 Fig.5);

temporarily stopping reproduction of the reproduced music data(540 Fig.5); and

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selecting one of the at least one reproduction resume method stored in the memory, specifying a reproduction start position of music data based on the selected reproduction resume method, and resuming reproduction of music data from the specified reproduction start position, after reproduction is stopped and a conversation finishes(510-530 Fig.5 and page 2 paragraph [0019]; user specifies starting/resume at the beginning).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP  
December 11, 2003



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

